

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CYNTHIA WARMBIER, *et al.*,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON,

Garnishee Defendant.

22 Civ. 09468

FILED UNDER SEAL

ORDER

This matter is before the Court on Plaintiffs' Motion to Provide Special Notice to Judgment Debtor and its Agency and/or Instrumentality (the "Motion"). For good cause shown, and for the reasons provided in Plaintiffs' Memorandum of Law in Support of the Motion ("Memorandum of Law"), it is hereby:

ORDERED that the Motion is **GRANTED**;

ORDERED that, with respect to Far Eastern Bank ("FEB"), also known as Joint Stock Company Far Eastern Bank, the Clerk of the Court shall issue the proposed FEB Notice, a form of which is attached as **Exhibit B** to the Memorandum of Law;

ORDERED that, with respect to FEB, Plaintiffs shall provide FEB with notice of this proceeding by sending to FEB, at 27-a, Verkhneportovaya St., Vladivostok, Primorskiy Kray 690990, Russia (or any other known address for FEB), via private commercial carrier, receipt signature requested: (i) one copy of the Writ of Execution; (ii) one copy of the Turnover Petition; (iii) one copy of the FEB Notice issued by the Clerk's Office; (iv) translated copies of each of the foregoing items in (i) through (iii); and (v) one affidavit of translator for the translated copies (together, the "FEB Materials");

ORDERED that, upon delivery of the FEB Materials to FEB, Plaintiffs shall file proof of notice with respect to such delivery, attaching a copy of the applicable tracking summary and/or other proof of delivery (the “FEB Proof of Notice”);

ORDERED that, with respect to the Democratic People’s Republic of Korea (“North Korea”), the Clerk of the Court shall issue the North Korea Notice, a form of which is attached hereto as Exhibit C to the Memorandum of Law;

ORDERED that, with respect to North Korea, Plaintiffs shall provide North Korea with notice of this proceeding by sending to the North Korean Ministry of Foreign Affairs at Democratic People’s Republic of Korea, c/o Foreign Minister Choe Son-hui, Ministry of Foreign Affairs, Jungsong-dong, Central District, Pyongyang, DPRK via private commercial carrier, receipt signature requested: (i) one copy of the Writ of Execution; (ii) one copy of the Turnover Petition; (iii) one copy of the North Korea Notice issued by the Clerk’s Office; (iv) translated copies of each of the foregoing items in (i) through (iii); and (v) one affidavit of translator for the translated copies (together, the “North Korea Materials”);

ORDERED that, upon delivery of the North Korea Materials to the North Korean Ministry of Foreign Affairs, Plaintiffs shall file proof of notice with respect to such delivery, attaching a copy of the applicable tracking summary and/or other proof of delivery (the “North Korea Proof of Notice”); and

ORDERED that upon the filing of the FEB Proof of Notice and the North Korea Proof of Notice, FEB and North Korea shall be respectively deemed to have received actual notice of this proceeding.

IT IS SO ORDERED.

SO ORDERED



LEWIS A. KAPLAN, USDJ

1/20/23